

Message Text

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ACTION SCS-06

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TO SECSTATE WASHDC 4750

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C O R R E C T E D C O P Y (TEXT PARA 3. CORRECTED)

FOR WILLIAM HURST - SCS

E.O. 11652: N/A
TAGS: CGEN
SUBJECT: NAZI WAR CRIMINAL INVESTIGATIONS

PLEASE INFORM COLIT THAT MENDELSON:

1. MET WITH RUSEK ON FRIDAY, AUGUST 4, AND SUNDAY, AUGUST 6,
AT WHICH TIME THE FOLLOWING WAS DISCUSSED:

(A) THE AVAILABILITY OF ISRAELI WITNESSES FOR FUTURE NAZI
WAR CRIMINAL PROSECUTIONS.

(B) THE DESIRABILITY THAT NO WITNESS COME TO THE U.S. TO
TESTIFY UNLESS A COLIT LAWYER HAS PREVIOUSLY EXAMINED THE
WITNESS AND DECIDED THAT THE WITNESS WILL BE USED. THIS
PROCEDURE WILL IMPROVE THE QUALITY OF THE PRESENTATION OF
THE CASE, AVOID RUFFLED FEATHERS OF UNUSED WITNESSES AND
SAVE USG FUNDS.

(C) THE NECESSITY THAT THE ISRAELI POLICE HAVE ONE POINT
OF CONTACT, I.E. COLIT, WITH THE USG.

(D) THE LIKELIHOOD OF SUCCESS IN THE FEDORENKO APPEAL.

NOTE: IN THE FEDORENKO DECISION THE JUDGE FOUND THE
PHOTO IDENTIFICATION DONE BY THE ISRAELI POLICE DEFECTIVE.

WE SHOULD DETERMINE:

(I) WHETHER THE VARIOUS DECISIONS BY THE SUPREME COURT

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IN PHOTO ID. CASES ARE PROSPECTIVE OR RETROACTIVE
BECAUSE:

(II) NEITHER THE USG NOR THE GOI SHOULD BE HELD TO A
STANDARD IMPOSED AFTER THE FACT. THE GOI CONDUCTS ITS
INVESTIGATIONS ACCORDING TO ITS OWN PRINCIPLES; THESE
INVESTIGATIONS WERE NOT CONDUCTED EXCLUSIVELY FOR THE
USG AND WERE NOT PERFORMED ACCORDING TO USG STANDARDS -

THEY COULD NOT BE BECAUSE THEY WERE CONDUCTED INSIDE
THE SOVEREIGN BOUNDARIES OF THE GOI BY THE GOI.

2. MET WITH SARA LEICHTER (WITNESS IN WALUS CASE) ON SUNDAY,
AUGUST 6, TO EXPRESS APPRECIATION AND TO RECEIVE COMPLAINT ABOUT
PAYMENT. COMPLAINT MAY HAVE BEEN RESOLVED.

3. WOULD LIKE ANALYSIS ON DETLAVS PRIOR TO SPEAKING WITH
DETLAVS WITNESSES. ASSUME FOLLOWING HAVE BEEN BALANCED:

(A) WITHOUT STARTING ANEW, ALL PREVIOUS EVIDENCE IS IN, AND
NEW JUDGE CANNOT DISCOUNT ANY WITNESS TESTIMONY ON CREDI-
BILITY; OR

(B) BY STARTING ANEW, COLIT SHAPES CASE AND ORDER OF PROOF
RISKING THE NEW JUDGE DOUBTING CREDIBILITY OF SOME EXISTING
WITNESSES.

4. REQUESTS UPDATE ON STATUS OF DEMANJUK CASE. COLIT MUST
HANDLE THIS CASE OR RISK HARD QUESTIONS FROM GOI ON COLIT'S
ROLE IN NAZI WAR CRIMINAL PROSECUTIONS IN U.S.

5. WOULD LIKE TO KNOW IF LETTER TO DEVITO REQUESTING
INFORMATION THAT HE RECEIVED FROM SOVIETS HAS BEEN SENT.

6. WILL BE INTERVIEWING JOSEF MARCU (TRIFA) THIS WEEK. RUSEK,
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WHO HAS INTERVIEWED HIM, DOES NOT THINK HE WILL BE A GOOD
WITNESS.

7. WILL BE MEETING ATTORNEY GENERAL, GOI AND MINISTER OF JUSTICE,
GOI THIS WEEK.
LEWIS

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NNN

Message Attributes

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